



Reply to
Attention of:

DEPARTMENT OF THE ARMY
ALBUQUERQUE DISTRICT, CORPS OF ENGINEERS
4101 JEFFERSON PLAZA, NE
ALBUQUERQUE, NEW MEXICO 87109-3435
FAX (505) 342-3199

April 12, 2001

Operations Division
Reservoir Control Branch

Mr. Larry Blair, Director
Public Works Department
City of Albuquerque
P.O. Box 1293
Albuquerque, NM 87103

Dear Mr. Blair:

We are in receipt of your letter, dated April 12, 2001, concerning storage of native water in Abiquiu Reservoir in support of New Mexico's proposed settlement agreement in the Minnow v. Martinez lawsuit. We concur with the terms of your letter as it relates to temporary storage that supports the settlement proposal.

However, in the 2nd paragraph on page 2, you state "The City understands that native water storage in Abiquiu, beyond the terms of the settlement proposal may not require additional environmental documentation because the annual fluctuations in the reservoir would not significantly change." Native storage in Abiquiu beyond the terms of this agreement will require additional environmental documentation and this will be addressed in the Water Operations Review and Environmental Impact Statement, which is scheduled for completion in 2004. We encourage the City of Albuquerque to continue with your active participation to assure that Albuquerque's interests are considered in this program.

We appreciate the cooperation extended by you and your staff in working with us on this settlement proposal. I want to make it very clear that we will not impair Albuquerque's ability to utilize its' full contract space in Abiquiu Reservoir.

If I can be of further assistance please feel free to contact Mr. Dick Kreiner or myself at 342-3383.

Sincerely,

A handwritten signature in black ink, appearing to read "C. Susan Shampine", is written over a horizontal line.

C. Susan Shampine
Acting Chief, Operations Division



City of Albuquerque

P.O. BOX 1293 ALBUQUERQUE, NEW MEXICO 87103

April 12, 2001

Ms. Susan Shampine
Acting Chief, Operations Division
U.S. Army Corps of Engineers
4101 Jefferson Plaza NE
Albuquerque, New Mexico 87109

Re: Native Rio Grande Storage in Abiquiu

Dear Ms. Shampine:

It is our understanding that the state of New Mexico has proposed to temporarily store native Rio Grande water in Abiquiu reservoir as part of a negotiated settlement with the Federal Government in the Minnow v. Martinez lawsuit. The City, as you know, is a party to the litigation, but has not been part of any discussions related to the proposed settlement or other actions proposed as part of the settlement.

Our understanding of the settlement proposal is limited to the need for temporary storage of native Rio Grande water up the amount of 100, 000 acre-feet to be released to benefit endangered species over a three-year period. Storage space for the settlement proposal would be needed in Jemez reservoir and Abiquiu reservoirs. The City currently has San Juan-Chama water stored in both reservoirs. A year by year accounting of how much native Rio Grande water or where the water would be stored, and more particularly the need for carry-over storage, has not been provided to the City.

The City of Albuquerque executed an agreement (DACW47-86-CD-0009) with the United States dated March 20, 1986 pursuant to Public Law 97-140. Under the terms of the agreement, the City was required to acquire land interests sufficient for storage of San Juan-Chama water in Abiquiu reservoir to elevation 6222.0 mean sea level. The City has acquired the land interests and is working with the property owners to allow for long-term storage of native and San Juan-Chama water in Abiquiu.

Over the years, the City has worked in good faith with the landowners and is concerned about abiding by the agreements we have with the landowners. Therefore, the storage of native Rio Grande water must be limited only to the property owned by the United States in fee simple and shall not encroach on the leasehold space without written consent of the City and the underlying land owners.

The City has discussed the long-term water resources of the Middle Rio Grande and specifically the need for native water storage with the U.S. Army Corps of Engineers on many occasions. On May 21, 1998, the City filed a Notice of Intent with the Office of the State Engineer to store native Rio Grande water in Abiquiu. We intend to file the appropriate technical documentation and permit with the State Engineer's office before May 21, 2001. The storage of native water, with respect to our Notice of Intent, has not been analyzed or discussed with the State or the Corps.

Ms. Susan Champine
April 12, 2001
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The City is aggressively implementing the Water Resources Management Strategy. The strategy is intended to eliminate large ground water level declines associated with our exclusive reliance on ground water. In order to accomplish this, the City MUST completely fill the 170,900 acre-foot of storage space in Abiquiu with City San Juan-Chama water between now and 2004. Therefore, any proposal that limits the City's ability to take full advantage of our space for storing City San-Juan Chama water needed to fully implement the strategy is unacceptable.

The City of Albuquerque is willing to allow the temporary storage of native Rio Grande water within the City's unused space in Abiquiu. We assume that any necessary environmental clearance to allow native Rio Grande water to be stored in Abiquiu will be completed by the Corps. The City understands that native water storage in Abiquiu, beyond the terms of the settlement proposal may not require additional environmental documentation because the annual fluctuations in the reservoir would not significantly change.

Please understand that this permission is temporary, not to exceed 2003, and is strictly limited to the space which the City does not, based upon its determination, need in the next three years.

We are not familiar with the specific terms of the proposed settlement nor with the Corps' authority to store water in this manner, so we are assuming that your proposal complies with all applicable state and federal laws and that the Corps acknowledges responsibility for its actions in temporarily storing native water as outlined in this letter. In addition, the Corps must agree to decrease the City's annual operation and maintenance costs for storage in our contract space.

Please respond in writing with your concurrence to the terms contained in this letter prior to commencing storage as outlined above.

Please do not hesitate to contact myself or our Water Resource Manager, John Stomp, at (505) 768-3631.

Sincerely,


Larry Blair, Director
Public Works Department

cc: John M. Stomp, P.E., Manager, Water Resources Division, PWD
Bruce Thompson, Assistant City Attorney
Susan Kelly, Water Rights Manager, Water Resources Division, PWD